

Pro Se 2 2016



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Handsomeland LLC,

Plaintiff(s),

v.

City of Seattle, et al.,

Defendant(s).

CASE NO. 2:19-cv-01764-RSL
[to be filled in by Clerk's Office]

**COMPLAINT AND REQUEST
FOR INJUNCTION**

I. THE PARTIES TO THIS COMPLAINT

A. Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Handsomeland LLC</u>
Street Address	<u>12345 Lake City Way NE</u>
City and County	<u>Seattle and County of King</u>
State and Zip Code	<u>Washington and 98125</u>
Telephone Number	<u>(253) 888-8001</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

SEA098515

Pro Se 2 2016

Defendant No. 1

Name	<u>City of Seattle</u>
Job or Title <i>(if known)</i>	<u>City Clerk's Office</u>
Street Address	<u>P.O. Box 94728</u>
City and County	<u>Seattle and County of King</u>
State and Zip Code	<u>Washington and 98124</u>
Telephone Number	<u>(206) 684-5529</u>

Defendant No. 2

Name	<u>Seattle Police Department</u>
Job or Title <i>(if known)</i>	<u>City's Law Enforcement Department</u>
Street Address	<u>PO Box 34986</u>
City and County	<u>Seattle and County of King</u>
State and Zip Code	<u>Washington and 98124</u>
Telephone Number	<u>(206) 625-5011</u>

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

- ***State or local officials (a § 1983 claim)***

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

4th Amendment (1) Search and Seizure Protections (2) Authorized the tow
from private property, see *Collins v. Virginia* (2018), and (3) *Riley v. California*
(2014) ruled police must obtain a warrant to search/seize an arrestee's cell phone.

Pro Se 2 2016

1 SECTION 1983 ALLOWS CLAIMS ALLEGING THE "DEPRIVATION OF ANY
2 RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED BY THE CONSTITUTION AND
3 [FEDERAL LAWS]." 42 U.S.C. § 1983. IF YOU ARE SUING UNDER SECTION 1983,
4 WHAT FEDERAL CONSTITUTIONAL OR STATUTORY RIGHT(S) DO YOU CLAIM
5 IS/ARE BEING VIOLATED BY STATE OR LOCAL OFFICIALS?

6 (1) Detective Smith conducted a search and seize without a search warrant
7 on a private property on or about October 2, 2019 at 8:40 AM.

8 (2) Detective Sandbeck seized a cell phone on Oct 24, 2019 without a warrant.

9
10 **III. THE AMOUNT IN CONTROVERSY**

11 The amount in controversy – the amount the plaintiff claims the defendant owes or the
12 amount at stake – is more than \$75,000, not counting interest and costs of court, because
13 (explain):

14 \$100,000.00
15 _____
16 _____

17 **IV. STATEMENT OF CLAIM**

18 *Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as*
19 *possible the facts showing that each plaintiff is entitled to the injunction or other relief sought.*
20 *State how each defendant was involved and what each defendant did that caused the plaintiff*
21 *harm or violated the plaintiff's rights, including the dates and places of that involvement or*
22 *conduct. If more than one claim is asserted, number each claim and write a short and plain*
23 *statement of each claim in a separate paragraph. Attach additional pages if needed.*

24 A. Where did the events giving rise to your claim(s) occur?

All lawful or unlawful searches and seized are conducted on private properties
without a warrant, which violates Plaintiff's legitimate expectation of privacy.

Pro Se 2 2016

1 B. What date and approximate time did the events giving rise to your claim(s) occur?
2 10/2/2019: Entered a private property and conducted a search without a search
3 warrant. 10/12/2019: Conducted a search and tow but the vehicle's location
4 was part of the curtilage protected by the Fourth Amendment.

5 C. What are the facts underlying your claim(s)? (For example: what happened to you? Who
6 did what? Was anyone else involved? Who else saw what happened?)
7 Other than the lawful search and seize conducted on July 2, 2019, the Seattle
8 Police Department, especially Detective Sandbeck, has been seizing Plaintiff's
9 personal properties without a PC or warrant more frequently.

10 **V. IRREPARABLE INJURY**

11 *Explain why monetary damages at a later time would not adequately compensate you for the*
12 *injuries you sustained, are sustaining, or will sustain as a result of the events described above,*
13 *or why such compensation could not be measured.*

14 If the Court does not issue a temporary injunction prevent the City or the SPD
15 keep search or seize any private property(ies) without a lawful order, plaintiff
16 will not receive an inventory list and more and more items keep missing.

17 **VI. RELIEF**

18 *State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do*
19 *not make legal arguments. Include any basis for claiming that the wrongs alleged are*
20 *continuing at the present time. Include the amounts of any actual damages claimed for the acts*
alleged and the basis for these amounts. Include any punitive or exemplary damages claimed,
the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

21 Since items that are obtained from unreasonable searches and seizures are
22 generally inadmissible in court, I would like an order from this Court to enforce
23 the constitution rights and cease all future search and seize without an order
24 signed by a Judge.

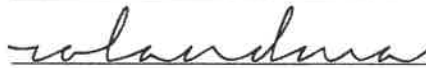
*Pro Se 2 2016***VII. CERTIFICATION AND CLOSING**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Oct 31, 2019

Signature of Plaintiff



Printed Name of Plaintiff

Roland Ma